

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Sep 20, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JARED ANTHONY WINTERER,

Plaintiff,

v.

UNITED STATES,

Defendant.

NO: 2:24-CV-00195-RMP

ORDER DENYING CONSTRUED  
MOTION FOR RECONSIDERATION

By Order filed September 12, 2024, the Court denied Plaintiff's construed Motion for Revision, denied him leave to proceed *in forma pauperis* and dismissed this action. ECF No. 14. Judgment was entered the same day. ECF No. 15. Plaintiff Jared Anthony Winterer is a *pro se* prisoner currently housed at Washington Corrections Center in Shelton, Washington. Defendant was not served.

On September 18, 2024, Plaintiff filed a document titled "Reconsideration motion before order." ECF No. 16. The construed Motion for Reconsideration was considered without oral argument on the date signed below and is denied.

ORDER DENYING CONSTRUED MOTION FOR RECONSIDERATION -- 1

1 A motion for reconsideration may be reviewed under either Federal Rule of  
2 Civil Procedure 59(e) (motion to alter or amend a judgment) or Rule 60(b) (relief  
3 from judgment). *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d  
4 1255, 1262 (9th Cir. 1993). “A district court may properly reconsider its decision  
5 if it ‘(1) is presented with newly discovered evidence, (2) committed clear error or  
6 the initial decision was manifestly unjust, or (3) if there is an intervening change in  
7 controlling law.’” *Smith v. Clark Cnty. Sch. Dist.*, 727 F.3d 950, 955 (9th Cir.  
8 2013) (quoting *School Dist. No. 1J, Multnomah Cnty., Or.*, 5 F.3d at 1263).  
9 “There may also be other, highly unusual, circumstances warranting  
10 reconsideration.” *School Dist. No. 1J Multnomah Cnty., Or.*, 5 F.3d at 1263.

11 Plaintiff insists that the Court cannot dismiss his case, asserting that he has  
12 not “been able to choose my life style since age 16.” ECF No. 16. He contends  
13 that “RMP can’t release me to the incriminating life in society and has to provide  
14 the solution to my severe suffering arising unlawfully by granting the relief I  
15 demand.” *Id.*

16 Plaintiff has presented no new facts, information, or newly discovered  
17 evidence for the Court to consider in evaluating his request for reconsideration.  
18 *See School Dist. No. 1J Multnomah Cnty., Or.*, 5 F.3d at 1263. He has not shown  
19 that the Court committed clear error or that the Court’s Order Denying Construed  
20 Motion for Revision, Denying Leave to Proceed *In Forma Pauperis* and  
21 Dismissing Case, ECF No. 14, was manifestly unjust. Furthermore, there has been

1 no intervening change in controlling law and there are no other circumstances  
2 warranting reconsideration. *Id.*

3 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's construed Motion  
4 for Reconsideration, **ECF No. 16**, is **DENIED**.

5 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
6 Order and provide a copy to Plaintiff.

7 **DATED** September 20, 2024.

8 *s/ Rosanna Malouf Peterson*  
9 ROSANNA MALOUF PETERSON  
10 Senior United States District Judge  
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